

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

CRP.No. 308 of 2000(D)

OS.3/1998 of II ADDL.M.C., NEYYATTINKARA

REVN. PETITIONER: 7TH DEFENDANT:

KOCHAN NADAR SATHYANESAN NADAR
GANA MANDIRAM, ALAMPARAPURAYIDOM,
..DO... DESOM.

BY ADV. SRI.B.KRISHNA MANI
SRI.V.PREMCHAND
SRI.N.MAHESH

RESPONDENTS: PLAINTIFF, DEFENDANTS 1 TO 6 AND 8 TO 10:

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1. CHELLATHAMPY NADAR, S/O.DANIEL NADAR,
ELEMCHIRAKONATHU KOONAMVILA NADUVILPUTHEN VEEDU,
EDAICODE DESOM, EDAICODE VILLAGE, VILAVANCODE TALUK,
KANNYAKUMARY DISTRICT.
 2. CHARLEY, D/O.LILIYAL, ALAMPARA PURAYIDATHIL KEEZHE VEEDU,
PARASUVACKAL DESOM, ...DO... VILLAGE.
 3. JNANASELVAM, D/O.LILIYAL,
CHARIVUVILAKATHU MELE PUTHEN VEEDU,
KULATHUMMAL VILLAGE.
 4. HAREES ELISA, ALAMPARA THEKKE PUTHEN VEEDU,
PARASUVACKAL VILLAGE, ...DO..DESOM.
 5. HAREES SELVANOSE, ALAMPARA KEEZHE VEEDU, ..DO..DESOM.
 6. DAVID, S/O.HAREES, OF DO....DO...
 7. LUDIYAL, D/O.LILIYAL, ALAMPARAVEEDU OF ...DO...DO...
 8. G.S.RANI, D/O.JNANSELVAM, OF DO...DO....
 9. G.S.ROSE, W/O.8TH DEFENDANT, OF...DO...DO....
 10. EDWIN JAYARAJ, S/O.DEVADASAN, OF ..DO..DO...

BY ADV. SRI.G.S.REGHUNATH for R1

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 11/09/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

ORDER ON C.M.P.NO.603/2000 IN C.R.P.NO.308/2000

DISMISSED

11/09/2007

SD/- M.N.KRISHNAN, JUDGE

/TRUE COPY/

P.S. TO JUDGE

KSS

M.N.KRISHNAN, J

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C.R.P. No.308 OF 2000

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Dated this the 11th day of September 2007

ORDER

This revision petition is preferred against the order of the II Addl.Munsiff, Neyyattinkara in O.S.No.3/1998 whereby the court found that the jurisdiction of the civil court is not barred under clause © of Section 7(1) of the Family Courts Act. A perusal of the order would reveal that the plaintiff has filed a suit for declaration, partition and putting of a boundary. The first defendant is his wife. There was a mortgage executed by the father of the first defendant in favour of the plaintiff and the first defendant. He is no more. The first defendant has entered appearance and filed a written statement to the effect that she has admitted that the property belonged jointly to her and her husband. There are other contentions raised as well. The other defendants would contend that they have got the statutory right and they are contesting the matter. There is dispute between not only the husband and wife but also between the husband and other legal representatives of the deceased Haris Nadar. The court below has referred to a decision of this court reported in **Krishnan Namboodiri v.Thankamani 1994(1) KLT 607.** It has been held that if the dispute involves consideration

of matters other than the husband and wife, then the civil court will not loose its jurisdiction and therefore in such cases the matter need not be sent to the Family Court for adjudication. Even otherwise the Family Court deals with the dispute inter se between the husband and wife and when strangers are involved and adjudication of their right is also necessary, I find that the matter need not be sent to the Family Court for adjudication.

Therefore, I do not find any illegality or irregularity in order passed by the Munsiff's Court and the C.R.P. is therefore dismissed.

M.N.KRISHNAN, JUDGE

Cdp/-